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8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 GABRIEL HILARIO ALCARAZ)
MARTINEZ, CHRISTIAN FIDAL)
13 ARECHIGA TORRES and)
RAMON ALEJANDRO)
14 HERNANDEZ GARCIA,)

15 Plaintiffs,)

16 vs.)

17 THOMAS F. WHITE,)

18 Defendant.)
19

Case No. C-06-1595-CRB

Date: September 29, 2006
Time: 10:00 a.m.
Courtroom: 8, 19th Floor

20 **DECLARATION OF MAURICIO RODRIGUEZ**
21 **BORREGO IN OPPOSITION TO MOTION TO**
22 **QUASH SERVICE OF SUMMONS AND COMPLAINT**

23 I, Mauricio Rodriguez Borrego, declare and state:

24 1. I am an attorney licensed to practice before all courts of the
25 United States of Mexico; my national bar number is 2846132. I have been a
26 practicing attorney for 15 years. My father also practiced law in Mexico City for
27 over 50 years. I was formerly a municipal judge in the City of Puerto
28

1 Vallarta. The following facts are known to me personally and if called as a
 2 witness I could, and would, testify competently thereto.

3 2. Mexican law does not prohibit the clerk of United States District
 4 Court from serving a summons issued by the District Court by mailing a copy of
 5 the summons addressed to a defendant in Mexico, requiring a signed receipt.
 6 Under Mexican law there is no prohibition on serving an international summons
 7 from the clerk of the court in the United States by mail.

8 3. Defendant Thomas F. White currently is incarcerated at the state
 9 prison in the town of Ixtapa near Puerto Vallarta. I have personally seen White
 10 in the room where prisoners are permitted to speak to visitors. The address of the
 11 prison where White is being held is:

12 Centro Integral de Justicia Costa Norte
 13 Km. 6.5 Ixtapa Carretera a Las Palmas
 14 Ixtapa, Jalisco
 MEXICO 48280.

15 3. Under the prison regulations at local prison in Ixtapa where
 16 White is incarcerated, the head prison guard is the authorized agent to receive all
 17 mail sent to all prisoners, including White. By being incarcerated in the prison,
 18 every prisoner, including White, is required to submit to the receipt of all mail by
 19 the head prison guard as his agent as a matter of law.

20 I declare under penalty of perjury under the laws of the United States
 21 of America and the United States of Mexico that the foregoing is true and correct,
 22 except as to matters stated on information and belief, and as to those matters I
 23 believe it to be true.

24 Executed on September 11, 2006 at Puerto Vallarta, Jalisco, Mexico.

25 */s/ Mauricio Rodriguez Borrego*

26 _____
 27 MAURICIO RODRIGUEZ BORREGO

ATTESTATION

I, David Replogle, hereby attest that I have on file all holographic signatures for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.

Dated: September 11, 2006.

/s/ David Replogle

DAVID REPLOGLE

PROOF OF ELECTRONIC SERVICE

I declare under penalty of perjury that the foregoing is true and correct:

I am a citizen of the United States over the age of eighteen years, employed in the City and County of San Francisco, California, and not a party to the within entitled cause; my business address is 550 Montgomery Street, Suite 550, San Francisco, California.

On September 11, 2006 I served the following:

**DECLARATION OF MAURICIO RODRIGUEZ
BORREGO**

on the interested party(ies) in said cause, by causing an electronic delivery subject to 28 U.S.C. § 1746, Locals Rules or General Orders of this Court regarding Electronic Case Filing. All pleadings and papers must be electronically served in accordance with those Rules or General Orders.

Geoffrey Rotwein
400 Montgomery St., Ste. 200
San Francisco, CA 94104
E-mail: geoffrotwein@sbcglobal.net

Attorneys for Defendant
Thomas F. White

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 11, 2006 at San Francisco, California.

/s/ David Replogle

DAVID REPLOGLE